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ABSTRACT

Using the experiences of individual school districts, such as the Yonkers (New York) Public Schools, the author provides advice on how a board should carry out a reduction in force (RIF). She stresses the need to develop a written RIF policy and recommends involving staff and the community in the policy development process. Issues the policy should address, says the author, include the reasons for the RIF, the demonstrable need to cut staff or programs, the identification of options within the RIF process, the criteria for selecting programs and employees to cut, and employee termination and recall processes. (RW)

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UPDATING SCHOOL BOARD POLICIES

A Component of the EDUCATIONAL POLICIES SERVICE

Volume 13/Number 2/February 1982

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There was a day when the Yonkers, N.Y., school board gave teachers all kinds of incentives to join the district, to work hard, and to stay on the job. Until the mid-1970s, the district had been desperate for teachers because schools were full, the community demanded more services, and state and federal governments mandated more and more programs.

But in 1975, the picture changed for the Yonkers board, catching it totally unprepared for what happened next. When an $11 million bond issue failed in 1975, the district could not pay its bills. The budget cutback was worsened by rising costs, even though enrollment was falling.

The Yonkers board, like so many others since then, faced having to reduce its staff. For that board, with no ready policy on reduction-in-force (RIF), the process was not easy. In fact, it did not work. Although the state bailed out the district, approving a plan to close seven schools, lay off 300 teachers, and cut programs, the district did not have the support of the teachers' union. Teachers, to the contrary, had a contract that designated a specific student/teacher ratio and assured staff that only incompetency, not program cuts or fiscal constraints, would ever result in the board's eliminating jobs. The effect: After an expensive court battle, teachers won reinstatement and full back pay, plus interest.

"Be prepared," one Yonkers board member recently warned members of other school boards. The advice should be heeded.

Before this school year ends, 55,000 teachers will receive pink slips, according to estimates of the National Education Association (NEA). That's the largest drop in jobs in public school history, and the future looks no better. Projections from research groups indicate that, by 1995, public schools, which have been losing about one million students per year, will enroll only 80 percent of the students they do today. Hardest hit will be the Northwest, although the Sun Belt can expect enrollment drops as well. Besides curtailed enrollment, school districts everywhere face the twin fiscal dilemma of less money and higher costs. Teachers that have jobs can be expected to fight to keep them; already, attrition rates are down.

No district should face this certain future unprepared, without a policy to guide the inevitable reductions-in-force. "A written RIF policy," says Atlanta administrator William Stanley, "enables the board to act, not react." Policies covering all staff, not just teachers, are called for, as most districts have one support staff person for every teacher on the payroll.

Consider the options, get counsel

School boards can consider a variety of options in their RIF policies, and they should consider them all, advises attorney Chuck Noland. Says he: "Policies improvised *ad hoc* are more open to charges of subterfuge and bad faith by released employees." Noland, who is assistant counsel to the New Mexico State Department of Education, also recommends that a lawyer—one who knows school law—attend RIF policy discussion sessions to advise the board on what the law says about each option. "At most, money spent up front may avert expensive and possibly losing litigation," says

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Policy sampler

The Villa Park, Ill., school board is encouraging teachers to explore other careers. Anticipating staff reductions, the board recently adopted an "exploratory leave" policy that allows teachers up to one year of unpaid leave, during which time they may try out other professions. If they don't like their new work, they may return to a comparable job in the district—without loss of tenure.

About 25 percent of those who have left have returned, according to Vic Lesch, director of personnel. Says Lesch: "We benefit from these teachers, too, because their interest in teaching has been rejuvenated. They're convinced teaching is a superior profession."

Among teachers who left were one who bought a seat on the commodity exchange, one who now owns a print shop, and another who entered a convent.

Performance, not seniority, is the basis for staff reductions in Atlanta, Ga. The new RIF policy includes a formula for weighing the value of each teacher to the district's instructional program. If the policy has to be implemented, everyone will be scored. Those with the lowest scores will be "dismissed with honor," and have preferred rights to re-employment for 24 months. Factors in the formula are:

- 15 points for certification in main teaching field.
- 5 points for certification in other subject matter areas which are included in the board's list of "critical areas."

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What to do before you RIF

"Schools thinking intelligently about impending RIFs have been trying to reduce staff as they go," says school superintendent A. Bernard Hatch of Dayton, Ohio. Many boards encourage early retirement, but Hatch cautions that this method of staff reduction can prove self-defeating. "You're going to have to pay the piper down the road" by financing retirement funds, he notes.

Other alternatives to RIFs are:

- Hiring freezes.
- Tightening leave policies by requiring those now on leave either to return or to resign.
- Offering unpaid leaves to teachers to test other career opportunities.
- Reducing the number of part-time or hourly employees.
- Increasing class sizes.
- Demoting all employees to a lower level on the pay scale.
- Reducing the cost of benefit programs by increasing part-time teaching positions and job-sharing.
- Increasing everybody's workload.
- Stimulating enrollment in adult education and preschool programs.
- Lobbying for state aid to help cushion loss of money from dwindling enrollment. ■

RIF advice

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Noland, who adds, "At least, it will surely maximize your position if you do get sued."

Noland does not minimize the complexity of law relating to RIF policies. A recent survey revealed that 41 states have statutory provisions governing some aspect of "riffing." Some specify reasons school boards may cut staff (such as declining enrollment or fiscal crises); some instruct boards on the order they may release staff (such as in inverse order of seniority); some prescribe recall procedures for laid off staff. Some of these laws relate only to laying off staff, with intent to recall; others deal with outright dismissal.

Not only can a skilled attorney steer the board within the boundaries of state law, he can evaluate the board's RIF options in light of two other legal quagmires: negotiated contracts with employee groups and the growing body of court decisions on riffing.

Consult staff and community

Who else should be involved in the initial stages of policy development? "The possibilities are limited only by the imagination," Noland says. Says A. Bernard Hatch, Dayton, Ohio, superintendent: "Staff should be involved at every step of development. Superintendents tend to closet themselves, formulate their great policy, and drop it on the staff. This doesn't work."

Ongoing staff involvement reduces morale problems, and increases chances of the staff's accepting the policy, others agree, but add that a process that is too open can get out of hand. "Paranoia's infectious," they observe.

Some districts also involve the community in the early stages of policy development. In some instances, a school-commun task force gathers opinions of concerned staff and citizens and begins to publicize the board's emerging policy. Later, when the policy must be implemented, this same task force, knowledgeable in the policy's history, may prove to be the board's public relations vehicle. When the Atlanta school board faced a RIF several years ago, it asked its task force to take the board's position to the community, explaining the current enrollment decline, the financial and employment picture, what the board had done to minimize staff cuts, and what would happen if no cuts were made. The RIF succeeded.

Policy ingredients

The actual provisions of RIF policies will vary from district to district, depending greatly on applicable state law and negotiated contracts. Most, however, will or should say something about these topics:

Reasons for RIF. "Never, never think of RIF as an opportunity to get rid of staff you don't like," most administrators and attorneys agree. Legitimate reasons, often specified in state law, include declining enrollment, program changes, or fiscal crisis.

Determination of need for RIF. Is a RIF really necessary? "Generally, the courts will hold that the board has some burden to prove that the RIF is necessary," advises Martha Ware, manager of teacher rights for the National Education Association. Atlanta administrator William Stanley agrees, saying that boards should anticipate three battlegrounds with teacher unions that contest RIFs:

1. Unions will question whether the board explored all possible additional funding sources before riffing.
2. They will propose that the sta-

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tus quo of jobs be maintained and services to children increased.

3. They'll question the factual basis (other than finances) for the board's decision.

The Yonkers, N.Y., board is now prepared for determining the necessity of RIFs by following these steps:

1. Keeping five-year enrollment projections up-to-date.

2. Prioritizing components of the instructional program, so cuts can be made from the bottom.

3. Not accepting "seed" money from the government or foundations if the board cannot continue programs using its own resources.

4. Studying teacher attrition rates.

5. Maintaining close liaison with the state, to watch for changes in state aid or mandated programs that might affect the district adversely.

6. Considering all collective bargaining proposals in light of future circumstances (granted privileges are almost impossible to take away).

7. Regularly reviewing the board's RIF policy and regulations.

Identification of RIF options. Although some districts make staff cuts across the board, most agree that cuts should relate to program changes. "Keep the instructional program paramount," they advise.

Attorney Chuck Noland sides with this group: "The board's best option," he says, "is to focus on redesigning the instructional programs to meet reduced resources, without regard to personnel; then let personnel actions follow from program decisions."

"Cutbacks should not be treated

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Policy Sampler

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- 5 points for each passing answer on the district's teaching performance evaluation test.
- 5 to 30 points for educational preparation.
- 3 points for each year (up to four) of teaching in a critical subject matter area.
- 1 point for each continuous year of employment, up to 30 years. ■

Feds face staff cuts, too

Local school districts aren't alone in facing stiff staff cutbacks. The federal Education Department (ED), too, will be handing out numerous pink slips in the near future. Approximately 250 federal staffers within ED's office of elementary and secondary programs will lose their jobs this year, the result of the decreased regulatory workload and program consolidation outlined in the new Education Consolidation and Improvement Act (ECIA).

Key ingredients in the federal RIF policy are:

- Offering early retirement incentives to employees in an attempt to reduce involuntary dismissal.
- Allowing senior personnel to "bump" less senior staff.
- Offering terminated employees severance pay—one week of pay for each year in service up to 10 years, and two weeks of pay for each year beyond 10. Also offered: accumulated leave and, of course, unemployment benefits.

Five or six administrative jobs will be eliminated for every one secretarial job cut. A hiring freeze, effective over the past year, has already reduced the number of ED employees by 1,000 to 5,700.

The 250 additional jobs now slated for elimination are primarily within the office that administers ECIA, a fact that employees there consider puts an unfair burden on them. They plan to challenge the cuts on that basis, and on this one as well: Senior staff who are likely to be bumped will include many women and minorities, eradicating employment gains achieved through affirmative action hiring policies. ■

Part-time employment on upswing

In more than one school district, part-time employment and job sharing programs are increasing, as student enrollment is decreasing. In anticipation of staff layoffs for the coming school year, the Waterford, Mich., schools encouraged teachers to consider sharing a job. An announcement went out to all teachers stating: "The Waterford Schools will consider teachers for part-time teaching assignments for the coming school year. This is due to the number of teachers who will be laid off next year because of declining enrollment and financial problems. We would like to keep as many teachers working as possible and, at the same time, provide a good educational program for students."

To be considered for part-time teaching in Waterford, a teacher would need to join with a partner and submit a plan for working together to the principal. The plan would need to outline, among other things, what each partner would teach, how the curriculum would be divided, when joint planning would take place, how noon duty and parent-teacher conferences would be handled, and whether each partner would attend in-service workshops, even if these were not scheduled during their official working hours.

A policy on job sharing of the Wichita, Kans., Public Schools requests teaching partners to include in their proposals comments about their prior relationship, division of tasks, time scheduling, provisions for communication between the partners and with the rest of the staff, and the benefits of the job sharing arrangements to pupils, partners, and the school system.

A policy on job sharing should:

- Include a definition of job sharing for the district, for example: "Job sharing means that two teachers share one full-time teaching position, and decide for themselves how much time each will devote to the job. Both teachers may be on the job at the same time, or one teacher may be there at one time and the other at another."
- Spell out the desired contents of proposals and who should receive these proposals.
- Name the position of the person who will evaluate the proposal.
- List the criteria by which the proposals will be evaluated.
- State how teachers will be paid and what benefits they will receive. ■

Watch RIF policy pitfalls

What the board leaves out of its RIF policy can be almost as important as what it includes. Here are some pitfalls to avoid:

- Vagueness in layoff procedure.
- Setting preconditions that must occur before the board will RIF, such as a specific percentage reduction in enrollment or specific dollar decrease in the budget.
- Promising that the board will do other things before it calls for a RIF, such as first making cuts that don't involve personnel, exhausting every possible source of additional funding, finding teachers other jobs.
- Setting deadlines above and beyond those required by state law, since this results in a loss of flexibility in time of crisis.
- Including grievance, arbitration, or fact-finding procedures in the policy (this can't always be avoided if the district negotiates).
- Permitting districtwide "bumping," as this has a domino effect that demoralizes staff. ■

RIF advice

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as an isolated issue," agrees Ronald Rebore, "but as part of a comprehensive manpower planning process." Manpower planning, says Rebore, who is assistant superintendent in the Lindbergh School District in St. Louis and author of a new book on personnel management, "is the process by which a school district ensures that it has the right number of people, with the right skills, at the right place, and at the right time, so that the school district's basic instructional goals can be met."*

Actual selection of programs to cut or reduce. With reduced finances, some programs must go. If the board has no criteria for prioritizing every school activity, the RIF policy should include them. Keep minimum requirements for state accreditation in mind and, for remaining programs, map out which employee qualifications are needed to carry them out. Larger districts may be able to rely on computers to match jobs to employees.

Selection of individual employees to be released. The board has many options here, depending, again, on state law and any employee contracts. Among tenured staff, options are: in inverse order of seniority, in accordance to performance (the board decides to keep only the best teachers in critical program areas), or in accordance with some combination of seniority and performance. Generally, tenured staff may "bump" nontenured staff from positions for which tenured staff are qualified. For nontenured staff, the law says little about the order of dismissal.

Teachers' unions, it might be expected, fight for RIFs based solely on seniority. "Seniority is the only fair and equitable way of laying people off," says Mary Lou Romaine, spokesman for the Atlanta Federation of Teachers. She argues that there is no effective way of measuring teacher performance. Others note that the "last hired/first fired" procedure can erase affirmative action gains.

Process for termination. In most states, due process requirements are covered by statute or state board regulations. These may include advance notice, hearings, any individual reviews of board decisions, and so forth. Advises Noland: "Avoid inadvertently granting the right to a hearing to employees who are not otherwise entitled to one. If you do this anyway, it should be done consciously and will likely be against legal advice."

Recall provisions, if any. Many districts assure dismissed teachers that they will be recalled when vacancies occur.

RIF policies are among the toughest to develop. Done right, however, everyone can stay out of court . . . and that's worth the effort, as NEA's Martha Ware says: "Court is time-consuming and expensive. I guess it's not fattening, but that's about the only good thing." (EPS file references: REDUCTION IN PROFESSIONAL/SUPPORT STAFF WORK FORCE, codes GCPA/GDPA) ■

**Rebore's book, Personnel Administration In Education: A Management Approach, is one of many available on RIF. See this month's Portfolio for a comprehensive RIF bibliography.*

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